

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CHARLES JOSEPH WASSIL,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:12CV48
(Judge Keeley)

SCOTT VILLERS, KIM MAY,
and JIM RUBENSTEIN

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 19, 2012, the pro se plaintiff, Charles Joseph Wassil ("Wassil"), filed his complaint as well as a motion for leave to proceed in forma pauperis (dkt. no. 2). The Court referred this matter to United States Magistrate Judge John S. Kaul1 for initial screening and a report and recommendation in accordance with LR PL P 2.

On April 3, 2012, Magistrate Judge Kaul1 issued an Amended Report and Recommendation ("R&R"),¹ in which he recommended that Wassil's motion for leave to proceed in forma pauperis be denied because the plaintiff had sufficient funds to pay the \$350 filing fee (dkt. no. 14). The R&R also specifically warned Wassil that his failure to object to the recommendation within fourteen days would result in the waiver of any appellate rights he might otherwise

¹ The sole purpose of the Amended R&R was to correct the plaintiff's name in the first paragraph of Report and Recommendation (dkt. no. 13).

ORDER ADOPTING REPORT AND RECOMMENDATION

have on this issue. The parties did not file any objections,² and Wassil paid the \$350 filing fee on April 4, 2012 (dkt. no. 19). Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 14) and **DENIES** Wassil's motion for leave to proceed in forma pauperis (dkt. no 2).

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

DATED: April 30, 2012

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

² The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).